

Complaint Description

[Jordan Sears](#) (Sun, 30 Sep at 6:42 PM)

It has come to my attention that Robert J. Sutherland has violated campaign contribution limits by accepting payments of \$4000.00 on 8/28/2018 and \$1000.00 on 9/14/2018 from the Olbrechts for Judge Committee as listed in his C3 reports. While this amount is listed as 'leasing of field sign locations', Friends of Sutherland discloses no ownership of land. Therefore, this is clearly an attempt to transfer funds from Olbrechts campaign to Sutherland's circumventing the prohibited campaign to campaign contributing as well as campaign contribution limits (as described in the attached PDC contribution chart).

Assuming this is misreported and that it is not for leasing of land but for 'yard sign stands-rent' as listed on Olbrechts C4, this amount grossly exceeds the \$247.36 spent on 8/26/2018 by Sutherland for 'sign building supplies' and again would suggest a violation on the prohibition of campaign to campaign contributions in the amount of at least \$4752.64.

What impact does the alleged violation(s) have on the public?

This clear violation of campaign finance law is damaging to the public interest, not only in the lack of clear disclosure of contributors and disregard of contribution limits but the concealed exchange of resources from a nonpartisan race to a partisan one through the guise of payment for services.

List of attached evidence or contact information where evidence may be found.

attached

List of potential witnesses with contact information to reach them.

Robert J. Sutherland
Kristen Olbrechts

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



2018-19 CONTRIBUTION LIMITS
 effective February 29, 2016 through Dec. 31, 2019

CONTRIBUTORS

RECIPIENTS

	State Party	County and LD Party Committees (Jointly)	Caucus Political Committee	Candidate Committees	Pacs, Unions, Corps and other entities		Individuals
State Party	Not Applicable	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,500 per calendar year (non-exempt)	No Limit (exempt)	No Limit
County or LD Party Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$5,500 per calendar year (non-exempt)	No Limit (exempt)	No Limit
Caucus Political Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$1,000 per calendar year		No Limit
State Executive Candidate	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$2,000 per election		\$2,000 per election
Legislative Candidate	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
Judicial Candidate	\$2,000 per election	\$2,000 per election	\$2,000 per election	Prohibited	\$2,000 per election		\$2,000 per election
LOCAL OFFICES: <ul style="list-style-type: none"> • County Office • Mayor • City Council • School Board 	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
King Co Hospital Dists 1 & 2 and Snohomish Co Hosp Dist 2	\$0.95 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$0.95 per Reg. Voter per cycle	Prohibited	\$1,000 per election		\$1,000 per election
Port of Seattle and Port of Tacoma Commissioner Candidates	\$1.00 per Reg. Voter per cycle	\$0.50 per Reg. Voter per cycle	\$1.00 per Reg. Voter per cycle	Prohibited	\$2,000 per election		\$2,000 per election
PACS	No Limit	No Limit	No Limit	Prohibited	No Limit		No Limit

- **Per cycle** means aggregate during the period from January 1 after the date of the previous general election for the office through December 31 after the upcoming general election for the office.
- **Per election** means per each primary, general, or special election for that office.
- **Per calendar year** means aggregate during the period from January 1 through December 31 each year.
- Contributions designated for the exempt account of a bona fide political party are NOT subject to limit, except **during the 21 days before the general election** when the \$5,000 maximum applies. See next column.
- **During the 21 days before the general election**, no contributor may donate over \$50,000 in the aggregate to a candidate for statewide office, or over \$5,000 in the aggregate to a candidate for any other office or to a political committee. This

includes contributions to a party committee, as well as a candidate's personal contributions to his/her own campaign. It does not apply to contributions from the state committee of the WA State Democratic, Republican or Libertarian Party or from a minor party.

The state law prohibiting campaigns from receiving contributions of more than \$5,000 within 21 days of a general election no longer applies to ballot measure committees, pursuant to the federal court ruling in *Family PAC v. McKenna et al.*, 9th Circuit Court of Appeals No. 10-35832 (Dec. 29, 2011). The statute is RCW 42.17A.420 (former RCW 42.17.105(8)).

Contribution Limits to Candidates Subject to Limits

A candidate subject to limits is prohibited from accepting aggregate contributions exceeding the following amounts:

Source of Contribution	to State Executive and select Port Comm'r* candidates	to Legislative, County Office, Mayor, City Council, or School Director candidates and select Hospital Comm'r candidates**
Individual	\$2,000 ¹	\$1,000 ¹
Union or Business	\$2,000 ¹	\$1,000 ¹
Political Action Committee	\$2,000 ¹	\$1,000 ¹
State Party Central Committee	\$1 per voter ^{2,5}	\$1 per voter ^{2,5}
Legislative District Comm	50¢ per voter ^{3,4,5}	50¢ per voter ^{3,4,5}
County Party Central Comm	50¢ per voter ^{3,4,5}	50¢ per voter ^{3,4,5}
Legislative Caucus Comm	\$1 per voter ^{2,5}	\$1 per voter ^{2,5}
*only in port districts with more than 200,000 registered voters as of the last General Election		
**only in hospital districts with populations greater than 150,999		

1 This is a per election limit; each primary, general and special election is considered a separate election. This limit does not apply to the candidate using personal funds to give to his or her own campaign. The limit does apply to the candidate's spouse.

To be eligible to receive primary election contributions, a candidate's name must be on the ballot or the candidate has to have filed a write-in declaration for the primary election. A candidate who will **not have a primary election** must refund any contributions received in excess of the general election limit. Refunds must be made within 2 weeks of the election administrator's determination that there will be no primary.

Primary election contributions must be made on or before the date of the primary unless a candidate lost the primary and has debt to retire. Contributors may continue to make contributions to a candidate who loses the primary election and has insufficient funds to pay debts outstanding until the debt is retired or 30 days after the primary, whichever comes first.

General election contributions must be made no later than December 31 of the election year.

During the 21 days before the general election, no candidate for legislative office or local office may contribute to his or her own campaign more than \$5,000 in the aggregate, and no candidate for state executive office or Supreme Court justice may contribute to his or her own campaign more than \$50,000 in the aggregate.

- 2 The limit amount of \$1 times the number of registered voters in the jurisdiction (as of the last general election) is for the entire election cycle. The election cycle is from January 1 after the last election for the office or the start of the candidate's campaign -- whichever is later -- through December 31 of the election year in which election is sought. Contributions must be made no later than December 31 of the election year.
- 3 During the election cycle (defined in #2 above), all county central committees and legislative district committees in the state share a combined limit to each candidate of \$.50 times the number of registered voters statewide as of the last general election. (However, during the 21 days before the general election, neither a county central committee nor a legislative district committee may give a state executive office candidate more than \$50,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.
- 4 A county central and legislative district committee may only contribute to a candidate if voters residing in the city, county or legislative district are entitled to elect the candidate to the office sought. During the election cycle (defined in #2 above), a legislative district committee, in conjunction with all county central committees in that district, share a combined per candidate limit of \$.50 times the number of registered voters in the legislative district as of the last general election. (However, during the 21 days before the general, neither a county central committee nor a legislative district committee may give a city, county or legislative candidate more than \$5,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.
- 5 The limit amount is for the entire election cycle. The election cycle is from January 1 after the last election for the office or the start of the candidate's campaign -- whichever is later -- through December 31 of the year in which election is sought. (However, during the 21 days before the general, a caucus political committee may not give a state executive candidate more than \$50,000 in the aggregate or a city, county or legislative candidate more than \$5,000 in the aggregate.) Contributions must be made on or before December 31 of the election year.

**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 (1/02)

THIS SPACE FOR OFFICE USE
 100859773
 09-18-2018

Candidate or Committee Name (Do not abbreviate. Use full name.)
ROBERT J SUTHERLAND (Friends of Sutherland)

Mailing Address
PO Box 1311

City: **Monroe, WA** Zip + 4: **98272** Office Sought (candidates): **STATE REPRESENTATIVE** Election Date: **2018**

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received		Amount	Total
	a. Anonymous		\$20.00
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L		
09/14/18	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation	\$1,000.00	
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Sub-total			\$1,000.00	*See reverse for details.
	<input type="checkbox"/> Check here if additional pages are attached	Amount from attached pages			\$0.00	

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT
 Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

\$1,000.00

4. Date of Deposit: **09/14/18**

Treasurer's Daytime Telephone No.: **(253)988-2455**

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature: **Tom Perry** Date: **09-18-2018**

Statement of Miscellaneous Receipts
Attachment to Form C3

Candidate or Committee Name
ROBERT J SUTHERLAND (Friends of Sutherland)

Deposit Date

Date Received	Payee's Name, Address, City, State, Zip	Description	Amount
09/14/18	OLBRECHTS FOR JUDGE COMMITTEE PO Box 20655 Seattle, WA 98102	Leasing of field sign locations	\$1,000.00

Subtotal this page \$1,000.00

**CASH RECEIPTS
 MONETARY
 CONTRIBUTIONS**

C3
 (1/02)

THIS SPACE FOR OFFICE USE

100855656

09-03-2018

Candidate or Committee Name (Do not abbreviate. Use full name.)
ROBERT J SUTHERLAND (Friends of Sutherland)

Mailing Address
PO Box 1311

City **Monroe, WA** Zip + 4 **98272** Office Sought (candidates) **STATE REPRESENTATIVE** Election Date **2018**

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received		Amount	Total
	a. Anonymous		
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L		
08/28/18	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation	\$4,000.00	
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100: Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Sub-total			\$4,000.00	*See reverse for details.
	<input type="checkbox"/> Check here if additional pages are attached	Amount from attached pages			\$0.00	

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT
 Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

\$4,000.00

4. Date of Deposit **08/28/18**

Treasurer's Daytime Telephone No.: **(253)988-2455**

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature **Tom Perry** Date **09-03-2018**

Statement of Miscellaneous Receipts
Attachment to Form C3

Candidate or Committee Name
ROBERT J SUTHERLAND (Friends of Sutherland)

Deposit Date

Date Received	Payee's Name, Address, City, State, Zip	Description	Amount
08/28/18	OLBRECHTS FOR JUDGE COMMITTEE PO Box 20655 Seattle, WA 98102	Leasing of field sign locations	\$4,000.00

Subtotal this page \$4,000.00

**SUMMARY, FULL REPORT
 RECEIPTS AND
 EXPENDITURES**

C4 (3/97)	PDC OFFICE USE
	100857204
	09-09-2018

Candidate or Committee Name (Do not abbreviate. Include full name)
KRISTEN OLBRECHTS (Olbrechts for Judge Committee)

Mailing Address
26910 92nd Ave NW Ste C5 PMB 191

City
Stanwood, WA

Zip + 4 98292	Office Sought (Candidates) DISTRICT COURT JUDGE	Election Date 2018
Report Period Covered From (last C-4) 07/31/18	To (end of period) 08/31/18	Final Report? Yes No X

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate?)

RECEIPTS	*See next page	Yes	No
1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$		\$123,818.48
2. Cash received (From line 2, Schedule A)	\$		\$20,050.00
3. In kind contributions received (From line 1, Schedule B).....			\$0.00
4. Total cash and in kind contributions received this period (Line 2 plus 3).....			\$20,050.00
5. Loan principal repayments made (From line 2, Schedule L).....			\$0.00
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)			\$0.00
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)			\$0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)			\$143,868.48
9. Total pledge payments due (From line 2, Schedule B).....	\$0.00		

EXPENDITURES		
10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)		\$39,572.04
11. Total cash expenditures (From line 4, Schedule A)	\$11,320.12	
12. In kind expenditures (goods & services) (From line 1, Schedule B)	\$0.00	
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....		\$11,320.12
14. Loan principal repayments made (From line 2, Schedule L).....	\$0.00	
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)	\$0.00	
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)		\$0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....		\$50,892.16

CANDIDATES ONLY

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:
(425) 404-9357

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17)	\$92,976.32
[Line 18 should equal your bank account balance(s) plus your petty cash balance.]	
19. Liabilities: (Sum of loans and debts owed)	\$0.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)	\$92,976.32

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature KRISTEN OLBRECHTS	Date 09/09/18	Treasurer's Signature Brennan C Smith	Date 09/09/18
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CASH RECEIPTS AND EXPENDITURE

SCHEDULE A
to C4
(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

KRISTEN OLBRECHTS (Olbrechts for Judge Committee)

07/31/18

08/31/18

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
08/10/2018	\$20,050.00					

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$ \$20,050.00

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE
DEFINITIONS
ON NEXT PAGE

C - Contributions (monetary, in-kind & transfers)
I - Independent Expenditures
L - Literature, Brochures, Printing
B - Broadcast Advertising (Radio, TV)
N - Newspaper and Periodical Advertising
O - Other Advertising (yard signs, buttons, etc.)
V - Voter Signature Gathering

P - Postage, Mailing Permits
S - Surveys and Polls
F - Fundraising Event Expenses
T - Travel, Accommodations, Meals
M - Management/Consulting Services
W - Wages, Salaries, Benefits
G - General Operation and Overhead

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	\$107.17
08/14/18	HATS OFF 26477 72nd Ave NW Stanwood, WA 98292		Parade Supplies	\$818.25
08/03/18	NWP CONSULTING 105 Main St S, Suite 332 Seattle, WA 98104		Facebook Advertising	\$1,775.00
08/04/18	SUSAN RONKEN 27802 73RD DR NW STANWOOD, WA 98292		July Mileage Reimbursement	\$1,527.70
08/04/18	KULSHAN STRATEGIES 17135 Zoya Dr Mount Vernon, WA 98274		Treasury Services	\$250.00
08/10/18	DIANA PHILLIPS 16410 84th St NE D141 Lake Stevens, WA 98258		Communications Retainer	\$2,842.00
08/28/18	FRIENDS OF SUTHERLAND PO Box 1311 Monroe, WA 98272		Yard Sign Stands - Rent	\$4,000.00

Total from attached pages \$ **\$0.00**

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4 \$ **\$11,320.12**